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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

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DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury **07CR2882 - BEN**

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
	)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
	)	
v.	)	Title 21, U.S.C., Secs. 841(a)(1)
	)	and 846 - Conspiracy to
GUILLERMO BARRETO-ORTIZ (1),	)	Manufacture Marijuana Plants;
MAGDALENA MAULEON (2),	)	Title 18, U.S.C.,
	)	Secs. 922(g)(5)(A) and
	)	924(a)(2) - Illegal Aliens in
Defendants.	)	Possession of Firearms; Title 18,
	)	U.S.C., Sec. 924(c)(1)(A)(i) and
	)	(C)(i) - Possession of Firearm in
	)	Furtherance of a Drug Trafficking
	)	Offense; Title 18, U.S.C.,
	)	Sec. 2 - Aiding and Abetting;
	)	Title 21, U.S.C., Sec. 853 (a)(2),
	)	Title 18, U.S.C., Sec. 924(d) and
	)	Title 28, U.S.C., Sec. 2461(c) -
	)	Criminal Forfeiture

The Grand Jury charges:

Count 1

Beginning at a date unknown and continuing up to and including July 17, 2007, within the Southern District of California, defendants GUILLERMO BARRETO-ORTIZ and MAGDALENA MAULEON did knowingly and intentionally conspire with Consuelo Mauleon, charged elsewhere, and with other persons known and unknown, to manufacture 1,000 and more marijuana plants, a Schedule I Controlled Substances; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

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Count 2

Beginning at a date unknown and continuing up to and including July 17, 2007, within the Southern District of California, defendants GUILLERMO BARRETO-ORTIZ and MAGDALENA MAULEON, each an alien who is illegally and unlawfully in the United States, did knowingly and intentionally possess, in and effecting commerce firearms, to wit:

- (1) Winchester, Model 1300 12-Gauge Shotgun, Serial Number L2234113;
- (2) U.S. Carbine, M-1 30-Caliber Rifle, Serial Number 5627433;
- (3) Universal Arms, M-1 30-Caliber Rifle, Serial Number 181079; and
- (4) Ithaca, M-49 22-Caliber Lever-Action Rifle, Serial Number 164804;

in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2), and Title 18, United States Code, Section 2.

Count 3

Beginning at a date unknown and continuing up to and including July 17, 2007, within the Southern District of California, defendants GUILLERMO BARRETO-ORTIZ and MAGDALENA MAULEON, during and in relation to a drug trafficking crime for which each defendant may be prosecuted in a court of the United States, namely, conspiracy to manufacture marijuana plants, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, the crimes charged in Count 1 of this Indictment, did knowingly and intentionally possess in furtherance of such crimes, firearms, to wit: (1) Winchester, Model 1300 12-Gauge Shotgun, Serial Number L2234113; (2) U.S. Carbine, M-1 30-Caliber Rifle, Serial Number 5627433; (3) Universal Arms, M-1 30-Caliber Rifle, Serial Number 181079; and (4) Ithaca, M-49 22-Caliber Lever-Action Rifle, Serial Number 164804; in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and (C)(i), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

1  
2 1. The allegations contained in Counts 1, 2, and 3 are  
3 realleged and by reference are fully incorporated herein to allege  
4 forfeiture to the United States of America pursuant to the provisions  
5 of Title 21, United States Code, Section 853, Title 18, United States  
6 Code, Section 924(d), and Title 28, United States Code,  
7 Section 2461(c).

8 2. As a result of the commission of the felony offense alleged  
9 in Count 1, a violation punishable by imprisonment for more than one  
10 year, and pursuant to Title 21, United States Code, Section 853(a) (1)  
11 and (2), defendants GUILLERMO BARRETO-ORTIZ and MAGDALENA MAULEON  
12 shall, upon conviction, forfeit to the United States all property  
13 constituting, or derived from, any proceeds the defendants obtained,  
14 directly or indirectly, as the result of the commission of the  
15 violations alleged in Count 1 of this indictment and all property used  
16 and intended to be used in any manner or part to commit or to  
17 facilitate the commission of the violation alleged in Count 1 of this  
18 indictment, including, but not limited to, the following:

- 19 a. Winchester, Model 1300 12-Gauge Shotgun, Serial  
20 Number L2234113;  
21 b. U.S. Carbine, M-1 30-Caliber Rifle, Serial Number 5627433;  
22 c. Universal Arms, M-1 30-Caliber Rifle, Serial Number 181079;  
23 d. Ithaca, M-49 22-Caliber Lever-Action Rifle, Serial  
24 Number 164804; and  
25 e. all firearm ammunition seized on or about July 17, 2007.

26 All in violation of Title 21, United States Code, Sections 841(a) (1),  
27 846 and 853.

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1        3.    Upon conviction of one or more of the offenses alleged in  
2 Counts 2 and 3, defendants GUILLERMO BARRETO-ORTIZ and MAGDALENA  
3 MAULEON shall, upon conviction, forfeit to the United States all  
4 firearms and ammunition involved or used in the offenses, including,  
5 but not limited to, the following:

- 6        a.    Winchester,    Model    1300    12-Gauge    Shotgun,    Serial  
7                Number L2234113;  
8        b.    U.S. Carbine, M-1 30-Caliber Rifle, Serial Number 5627433;  
9        c.    Universal Arms, M-1 30-Caliber Rifle, Serial Number 181079;  
10       d.    Ithaca,    M-49    22-Caliber    Lever-Action    Rifle,    Serial  
11                Number 164804; and  
12       e.    all firearm ammunition seized on or about July 17, 2007.

13 All pursuant to Title 18, United States Code, Section 924(d), and  
14 Title 28, United States Code, Section 2461(c).

15       4.    If any of the forfeitable property referred to above, as a  
16 result of any act or omission of the defendants,

- 17       a.    cannot be located upon the existence of due diligence;  
18       b.    has been transferred or sold to or deposited with a third  
19                person;  
20       c.    has been placed beyond the jurisdiction of the Court;  
21       d.    has been substantially diminished in value; or

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1 e. has been commingled with other property which cannot be  
2 subdivided without difficulty, it is the intent of the  
3 United States, pursuant to Title 21, United States Code,  
4 Section 853(p), to seek forfeiture of any other property of  
5 the defendants up to the value of the above forfeited  
6 property.

7 DATED: October 17, 2007.

8 A TRUE BILL:

9  
10   
Foreperson

11 KAREN P. HEWITT  
12 United States Attorney

13  
14 By: 

15 JOSEPH J. M. ORABONA  
16 Assistant U.S. Attorney  
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